

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

12 WILLIAM EDWARDS, ROBERT  
13 JACKSON, JAMES BROOKS, and  
14 KYSER WILSON on behalf of  
themselves and others similarly  
situated,

15 Plaintiff,

16 v.

17 LEADERS IN COMMUNITY  
18 ALTERNATIVES, INC.,  
19 SUPERCOM, INC., LINDA  
20 CONNELLY, DIANE  
21 HARRINGTON, KENT  
22 BOROWICK, RAELENE RIVAS,  
23 JEANETTE ARGUELLO-RAMOS,  
24 BELINDA DOE, DOES 1-10,  
inclusive,

ALAMEDA COUNTY, WYNNE  
CARVILL, and WENDY STILL,

Defendants.

Case No. 3:18-cv-04609-JSC

**[PROPOSED] ORDER GRANTING  
DEFENDANTS LEADERS IN  
COMMUNITY ALTERNATIVES,  
INC., SUPERCOM INC., LINDA  
CONNELLY, DIANE  
HARRINGTON, KENT  
BOROWICK, RAELENE RIVAS,  
JEANETTE ARGUELLO-RAMOS'  
MOTION TO DISMISS  
PLAINTIFFS' COMPLAINT  
PURSUANT TO F.R.C.P. RULE  
12(b)(1) AND 12(b)(6)**

25 Defendants LEADERS IN COMMUNITY ALTERNATIVES, INC.,  
26 SUPERCOM, INC., LINDA CONNELLY, DIANE HARRINGTON, KENT  
27 BOROWICK, RAELENE RIVAS, and JEANETTE ARGUELLO-RAMOS'  
28 Motion to Dismiss Plaintiffs' Complaint came on regularly before this Court. The

1 Court having read and duly considered the moving, opposing, and reply documents,  
2 and having duly considered all evidence and argument presented in connection  
3 therewith, the Court hereby grants Defendants' Motion to Dismiss on the following  
4 grounds:

- 5 1. The Court abstains from this case based on the *Younger* doctrine.
- 6 2. Plaintiffs lack Article III standing to seek injunctive relief.
- 7 3. Plaintiffs fail to allege sufficient facts against the individual defendants  
8 to support a claim in violation of The Federal Racketeer Influenced  
9 and Corrupt Organizations Act ("RICO").
- 10 4. Plaintiffs' claims are barred by quasi-judicial immunity and the  
11 litigation privilege.
- 12 5. Plaintiffs fail to allege predicate acts necessary to state a RICO claim.
- 13 6. Plaintiffs cannot bring Fourteenth Amendment Due Process or Equal  
14 Protection Claims against LCA and its employees because they did not  
15 act under color of law.
- 16 7. Plaintiffs fail to allege sufficient facts to state a claim for violation of  
17 due process under the Fourteenth Amendment.
- 18 8. Plaintiffs fail to allege sufficient facts to state a claim for equal  
19 protection under the Fourteenth Amendment.
- 20 9. Plaintiffs fail to state a claim for abuse of process.

21  
22 IT IS SO ORDERED.

23  
24 Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable William Alsup  
United States District Court Judge

25  
26  
27 Respectfully Submitted,  
28

1 Susan E. Coleman (SBN 171832)  
E-mail: scoleman@bwsllaw.com  
2 Kristina Doan Strottman (SBN 268188)  
E-mail: kstrottman@bwsllaw.com  
3 BURKE, WILLIAMS & SORESENSEN, LLP  
444 South Flower Street, Suite 2400  
4 Los Angeles, CA 90071-2953  
Tel: 213.236.0600 Fax: 213.236.2700  
5

Attorneys for Defendants  
6 LEADERS IN COMMUNITY ALTERNATIVES, INC., SUPERCOM, INC.,  
LINDA CONNELLY, DIANE HARRINGTON, KENT BOROWICK, RAELENE  
7 RIVAS, JEANETTE ARGUELLO-RAMOS  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28